

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**THOMAS R. RODELLA,**

**Defendant.**

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**Case No.: 14-CR-2783 JB**

**NOTICE OF WITHDRAWAL OF DEFENDANT'S  
MOTION FOR NEW TRIAL (DOC. 133)**

The Defendant, Thomas R. Rodella, by his attorneys, Robert J. Gorence and Louren Oliveros of Gorence & Oliveros, P.C., hereby submits this Notice advising the Court that he withdraws his Motion to Suppress, Doc. 133, filed October 17, 2014, on the grounds that following the issuance of subpoenas and obtaining evidence from Mr. Tafoya's employment files from Easter Seals El Mirador as well as Ms. Dominguez' employment files from El Centro, the information which formed the basis of Defendant's Motion for New Trial was not substantiated. Therefore, Mr. Rodella withdraws his Motion for New Trial (Doc. 133) and he will file a second motion for new trial, as previously noted to the Court, based on the testimony of Dr. Elizabeth Davidson. Additional time is needed to ensure the accuracy of representations concerning Dr. Davidson's testimony but the motion will be timely filed pursuant to Fed. R. Crim. P. 33(b)(1).

Respectfully submitted,

/s/ Robert J. Gorence

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*Attorneys for Defendant*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing pleading was emailed to counsel of record by CM/ECF this 1<sup>st</sup> day of December, 2014.

/s/ Robert J. Gorence

Robert J. Gorence